

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Edward Furlong, III,  
Plaintiff

v.

Case No. 10-cv-03-SM

Terry Miller, et al.,  
Defendants

ORDER

Re: Document No. 21, Motion to Dismiss

Ruling: Granted. Although defendants conclude their supporting memorandum with a plea that ". . . the court should deny Plaintiff's motion for preliminary injunction," it is clear from the motion itself and other comments in the memorandum that defendants seek dismissal of the complaint for failure to state a cause of action, lack of subject matter jurisdiction, and failure to effect service of process. Essentially for the reasons given in defendants' memorandum, plaintiff has no cause of action. He cannot arguably claim any legal right to access the White Mountain National Forest from his land, and cannot plausibly assert a claim of prohibited discrimination arising from the fact that government agents have acted to enforce laws and regulations related to National Forest usage under the described circumstances. Plaintiff does not claim race, national origin, sex, age, or any other recognized form of discrimination, but merely suggests that his former homeless status, or business success, or personal factors, are motivating the enforcing officers. It is plain, however, that Plaintiff's basic claim - that he is entitled to access snowmobile trails in the National Forest from his private property - is incorrect as a matter of law; certainly, nothing in the complaint (or the preliminary injunction record or pleadings filed by Plaintiff) suggests any cognizable legal claim of access. The complaint is dismissed for failure to state a cognizable claim.

  
Steven J. McAuliffe  
Chief Judge

Date: April 27, 2010

cc: Edward C. Furlong, III, pro se  
T. David Plourde, AUSA  
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William G. Scott, Esq.